

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:25-cr-105
)	
HATEM SALEM,)	Hon. Claude M. Hilton
Defendant)	

MOTION TO SEAL

Defendant, Hatem Salem, by counsel, moves to seal portions of his Position on Sentencing because it contains sensitive personal information, including medical and mental health history.

“In *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978), the Supreme Court recognized a common law right to inspect and copy judicial records and documents. This right to access to court records is not absolute, however.” *In re The Knight Publishing Company v. Observer*, 743 F.2d 231, 234 (1984). A court “has supervisory power over its own records, and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *Id.* at 235. When asked to seal court documents, the court must follow specific procedures. According to Fourth Circuit case law, before a court may seal any court documents the court must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal and for rejecting the alternatives. *Ashcroft v. Conoco*, 218 F.3d 288, 302 (4th Cir. 2000).

In this case, the sealed portions of the defense's Position on Sentencing are comprised largely of Mr. Salem's mental health history. The need to protect this limited information outweighs the public's right to access in this case. The defense will file a redacted version of the Position on Sentencing via the CM/ECF system.

For the foregoing reasons, Mr. Salem requests that the Court grant his motion to seal portions of the Defense Position on Sentencing. A proposed order is attached.

Respectfully submitted,

HATEM SALEM

By counsel,

Jeremy C. Kamens
Federal Public Defender

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